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May 21, 2024

By ECF

The Honorable Reed O'Connor
United States District Judge
Northern District of Texas
501 West 10th Street, Room 201
Fort Worth, TX 76102-3673

Re: *Consensys Software Inc. v. Gensler et al.*, Case No. 4:24-cv-00369-O

Dear Judge O'Connor:

We are counsel to Plaintiff Consensys Software Inc. and write in response to Your Honor's Order of May 15, 2024. Dkt. 23.

On April 25, 2024, Consensys commenced this action, seeking declaratory and injunctive relief against Gary Gensler, the Chair of the Securities and Exchange Commission, the SEC's four other Commissioners, and the SEC itself. In the Civil Cover Sheet filed with the Complaint, Consensys identified this action as related to the action captioned, *LEJILEX, et al. v. SEC, et al.*, 4:24-cv-00168-O, because the cases involve certain overlapping legal issues relating to the regulation of digital assets. On May 15, 2024, the Court issued an Order directing Plaintiff and Defendants to discuss whether this action should be consolidated with the LEJILEX action. Dkt. 23.

Plaintiff and Defendants conferred on May 20 and agree that the Consensys action should not be consolidated with the LEJILEX action. While there are certain overlapping legal issues between the two cases, the Consensys action involves different claims and different underlying subject matter, so consolidation with the LEJILEX action would not be appropriate.

We are available if there are any further questions about the parties' conference on this matter.

Respectfully,



Kevin S. Schwartz